

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Chapel Ridge Road, 1,950' * ZONING COMMISSIONER
W of Mays Chapel Road * OF BALTIMORE COUNTY
(729 Chapel Ridge Road) *
8th Election District * Case No. 88-312-A
3rd Councilmanic District *
Mahlon W. Hessey and *
Joan G. Hessey - Petitioners *

MEMORANDUM AND ORDER

The Petitioners herein request a variance to permit an accessory structure (garage) height of 20 feet in lieu of the permitted 15 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Mahlon Hessey, appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Zoning Commissioner, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of February, 1988 that an accessory structure (garage) height of 20 feet in lieu of the permitted 15 feet, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

February 17, 1988

Mr. Mahlon W. Hessey
Ms. Joan G. Hessey
729 Chapel Ridge Road
Timonium, Maryland 21093

RE: Petition for Zoning Variance
W/S Chapel Ridge Road, 1,950' W of Mays Chapel Road
8th Election District, 3rd Councilmanic District
Case No. 88-312-A

Dear Mr. Hessey & Ms. Hessey:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restrictions set in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,
J. Robert Haines
Zoning Commissioner
of Baltimore County

JRH:bjs

Enclosures

cc: People's Counsel

File

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall not allow or cause the accessory structure (garage) to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen facilities.

JRH:bjs

J. Robert Haines
Zoning Commissioner of
Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

December 3, 1987

Mr. & Mrs. Mahlon W. Hessey
729 Chapel Ridge Road
Timonium, Maryland 21093

Re: Case number: 88-312-A
W/S Chapel Ridge Road, 1950' W of Mays Chapel Road
(729 Chapel Ridge Road)
8th Election District - 3rd Councilmanic District
Petitioners: Mahlon and Joan Hessey

Dear Mr. & Mrs. Hessey:

Dear Mr. & Mrs. Hessey: It is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND No. 45966
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 2/16/88 ACCOUNT 1001-615-000

AMOUNT \$ 111.91

RECEIVED FROM 7/1/88

FOR 7/1/88

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.2 to permit an accessory structure (garage) height of 20 feet in lieu of the permitted 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
More storage space needed to house 85 year old mother (mother-in-law) and to make use of garage which has not been used for cars for 18 years. Additional height needed to match scale of building to existing house. Also, site is some 10' below level of existing house so appearance from front makes it look like a single story shed.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expense of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Mahlon W. Hessey & Joan G. Hessey

(Type or Print Name)

Signature

Address

City and State

Signature

Address

City and State

Phone No.

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of February, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of Feb. 1988 at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan. 28, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Jan. 28, 1988.

THE JEFFERSONIAN,

Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 N. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-312-A
W/S Chapel Ridge Road, 1950' W of Mays Chapel Road
(729 Chapel Ridge Road)
8th Election District - 3rd Councilmanic District
Petitioners: Mahlon and Joan Hessey

DATE/TIME: TUESDAY, FEBRUARY 16, 1988 at 2:00 p.m.

Variance to permit an accessory structure (garage) height of 20 feet in lieu of the permitted 15 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing or above as posted and at the time of the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

1299 Jan. 28

Mahlon W. and Joan G. Hessey
729 Chapel Ridge Road
Timonium, Md 21093

ZONING HEIGHT VARIANCE

Description of Premises

Being all of Lot NO. 13 as shown on the Plat of Part 2 of Chapel Ridge which is recorded among the plat records of Baltimore County, Maryland in Plat Book R.R.G. No. 29, folio 77.

Distance to Nearest Intersecting Street

Distance from end of driveway of subject property with Chapel Ridge Road to Mays Chapel Road (the nearest intersecting street) is 1950 feet, more or less.

BALTIMORE COUNTY, MARYLAND No. 41454
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 2/1/88 ACCOUNT 1001-615-000

AMOUNT \$ 25.00

RECEIVED FROM Mahlon W. Hessey

FOR From Fee for Variance Item 60

\$ 25.00 *****3500014 51146

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 8th Date of Posting 1-19-88

Posted for: Mahlon and Joan Hessey

Petitioner: Mahlon and Joan Hessey

Location of property: W/S of Chapel Ridge Road 1950' W of

Mays Chapel Road (729 Chapel Ridge Road)

Location of sign: 729 Chapel Ridge Road

Remarks: 25.00 Variance Item 60

Posted by: J. Robert Haines

Number of Signs: 2 Date of return: 1-22-88

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 N. Chesapeake Avenue in Towson, Maryland as follows:

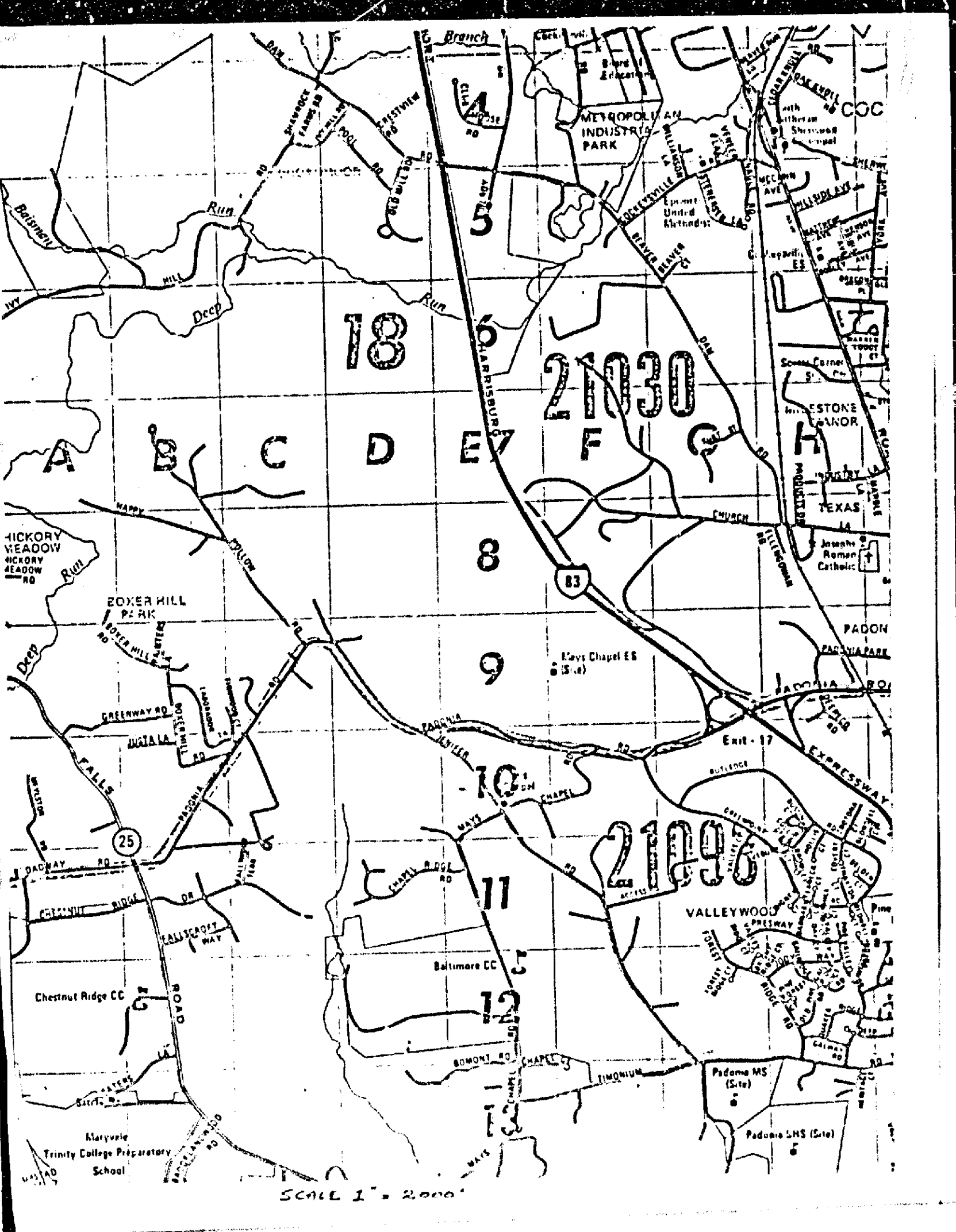
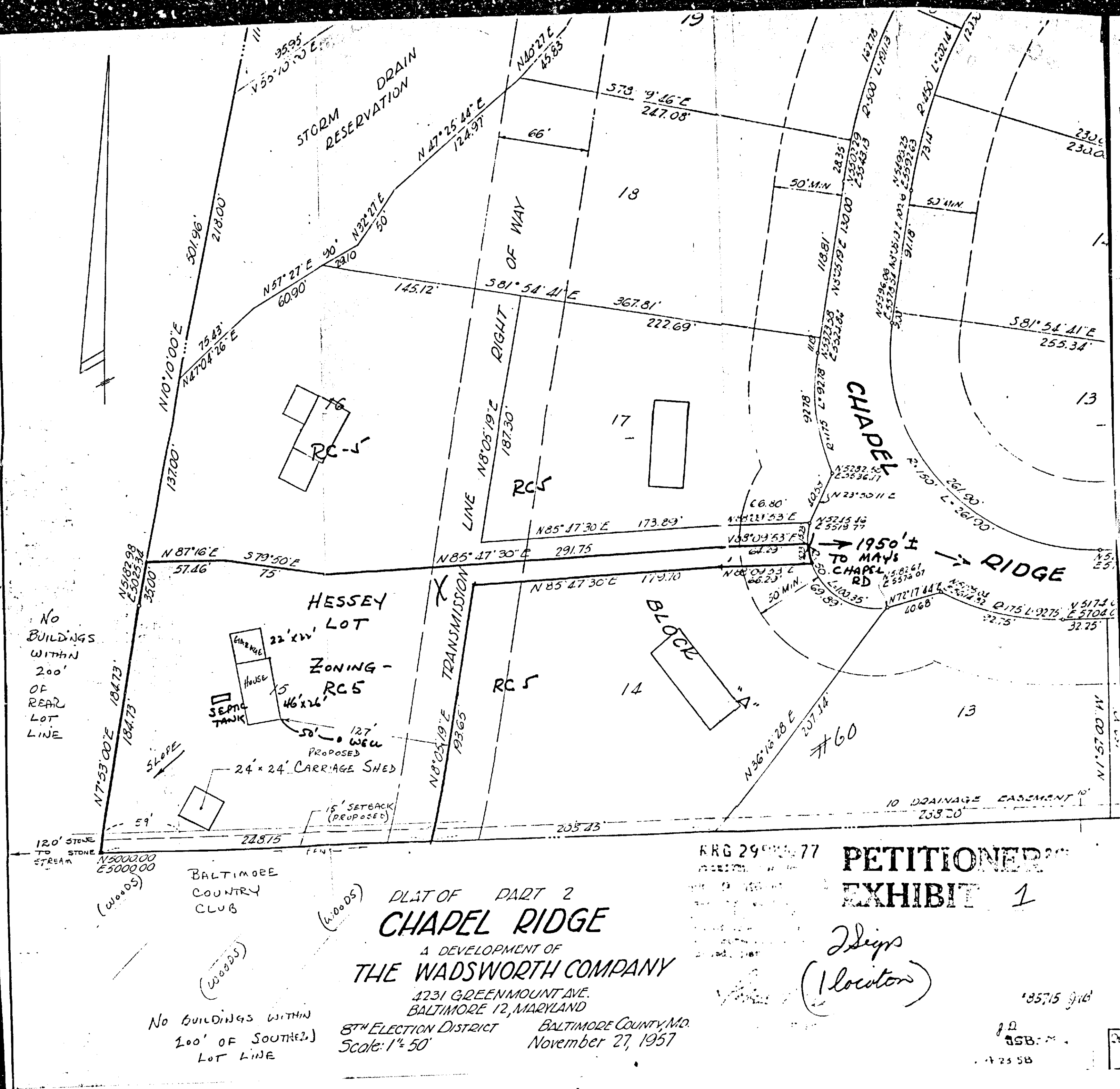
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J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Hessey
File



Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

August 27, 1987

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Mahlon W. Hessey, et ux
Location: W/S Chapel Ridge Rd., 1950' W. Mays Chapel Road
Item No.: 60 Zoning Agenda: Meeting of 8/25/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ exceeds the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: *John E. O'Neill* Noted and Approved: *John E. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
3rd day of November, 1987.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Mahlon and Joan Hessey
Petitioner's Attorney: James E. Dyer
Chairman, Zoning Plans Advisory Committee

HENNEY & HENNEY
ATTORNEYS AT LAW
130 FIDELITY BUILDING
CHARLES AND DIXIE BOULEVARD
BALTIMORE, MARYLAND 21201

October 23, 1987

Office of Planning and Zoning
Now Court Building
401 Bosley Avenue
Room 406
Towson, Maryland 21204

Gentlemen:

RE: Mahlon and Joan Hessey
729 Chapel Ridge Road, Timonium, Maryland, 21093
Item No. 60 - Petition for Variance

I understand that the above-referenced Petition has been tentatively scheduled to be heard on December 4 at 9:00 a.m. Unfortunately, I am due on the West Coast that week and this date is extremely inconvenient. It would be much appreciated if you would reschedule this for a later date.

Thanking you in advance for your anticipated cooperation, I am

Sincerely,
Mahlon W. Hessey
Mahlon W. Hessey

MWH/dc
letbc:023

RECEIVED
ZONING OFFICE

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

September 23, 1987

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 60, 61, 63, 64, 65, 66, 67, 68, 69, and 70.

Very truly yours,
Michael S. Planigan
Michael S. Planigan
Traffic Engineer Associate II

MSF:sb

RECEIVED
SEP 30 1987
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
Date: January 14, 1988

P. David Fields
FROM: Director of Planning and Zoning
Zoning Petition Nos. 88-310-A, 88-312-A,
88-312-A, 88-318-A, 88-319-A

SUBJECT: 88-312-A, 88-318-A, 88-319-A

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields
P. David Fields
Director

PDF:JGH:dme
cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
February 10, 1988

Mr. Mahlon W. Hessey
729 Chapel Ridge Road
Timonium, Maryland 21093

RE: Item No. 60 - Case No. 88-312-A
Petitioners: Mahlon and Joan Hessey
Petition for Zoning Variance

Dear Mr. Hessey:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, my comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:akb
Enclosures

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INTER-OFFICE CORRESPONDENCE

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88-312-A, 88-318-A, 88-319-A

SUBJECT: 88-312-A, 88-318-A, 88-319-A

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P. David Fields
P. David Fields
Director

PDF:JGH:dme
cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

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February 10, 1988

Mr. Mahlon W. Hessey
729 Chapel Ridge Road
Timonium, Maryland 21093

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Petitioners: Mahlon and Joan Hessey
Petition for Zoning Variance

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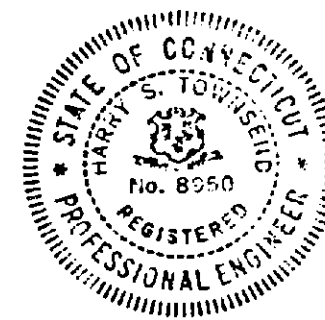
Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:akb
Enclosures



PETITIONER EXHIBIT 2

THE CARRIAGE SHED CONSTRUCTION DETAILS



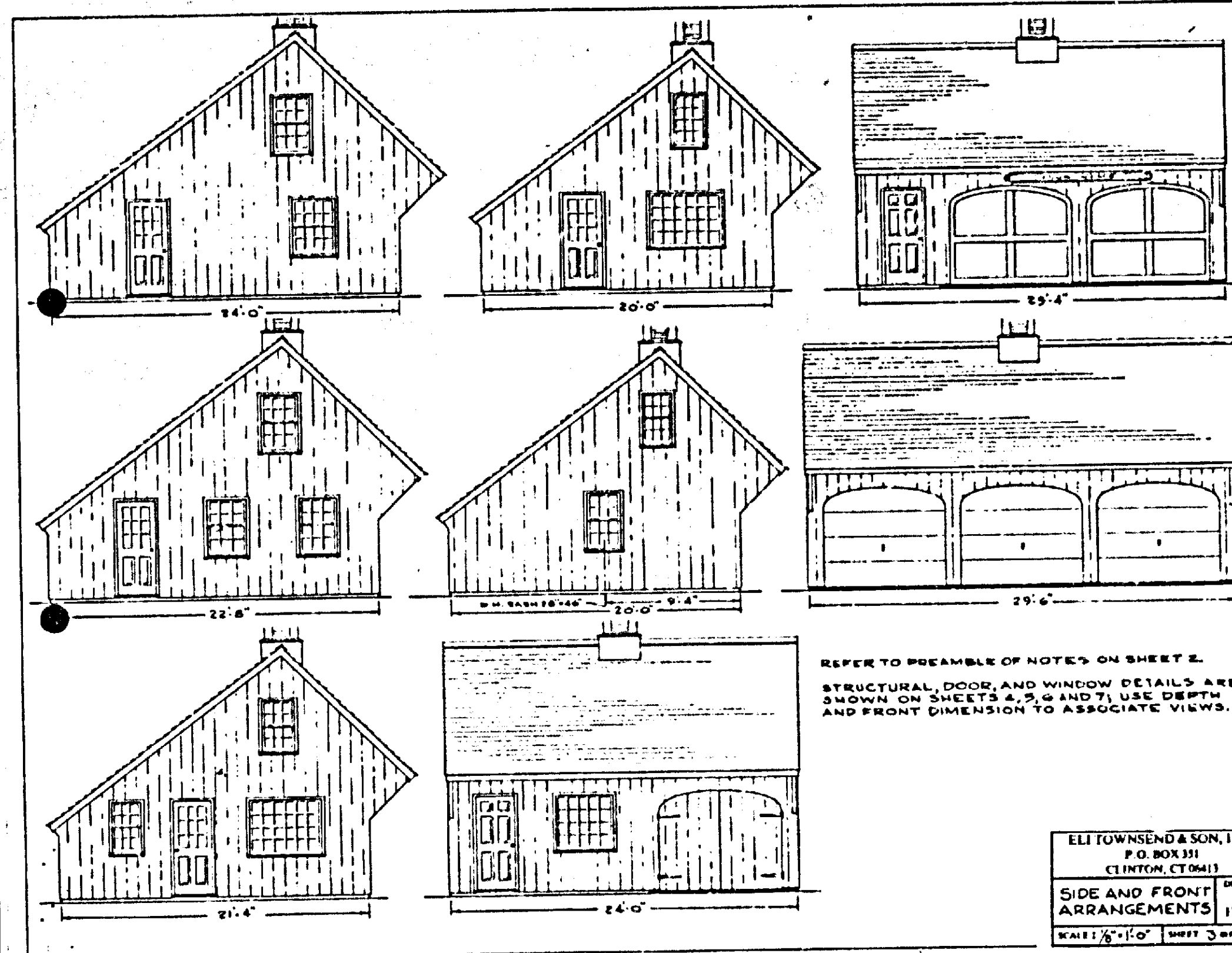
© ELI TOWNSEND & SON 1976/80

ELI TOWNSEND & SON, INC.
P.O. BOX 311
CLINTON, CT 06031
PERSPECTIVE
VIEW
SHEET 1 OF 7

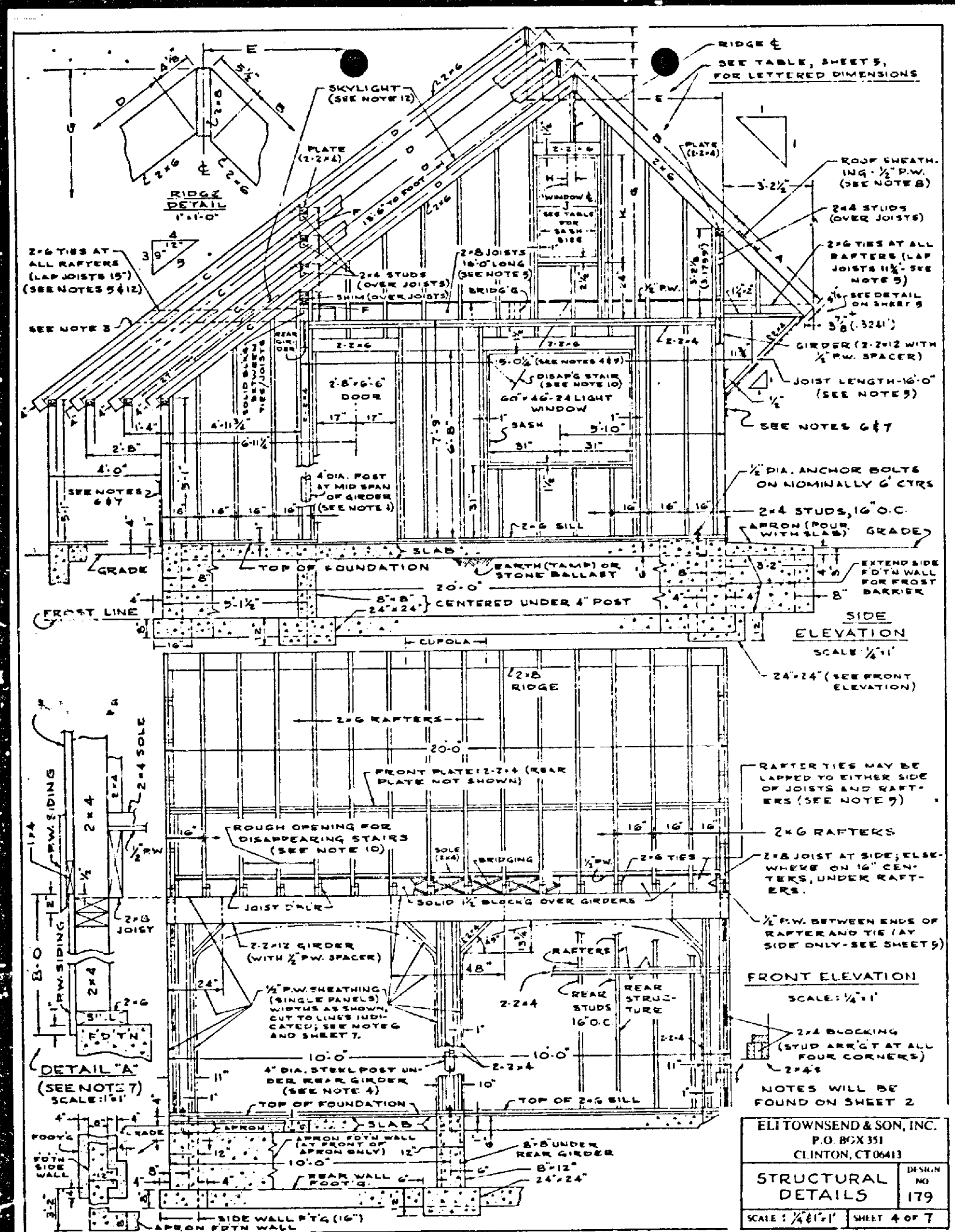
These plans for the "Carriage Shed", a fully American design, provide details to vary the building depth from 20' to 24', at 16' intervals, and to vary the front arrangement as desired. We have shown five possible side and four possible front arrangements, any combination of which can be used; thus, twenty arrangements are possible, and an infinite number of arrangements other than those shown is possible. The framing details for doors, windows, and bulk structures can be utilized to construct any variation you may wish to employ; for example, the side of the building opposite to that shown on Sheet 1 need not have the door and/or window arrangement shown; a shop at side could be merged or made narrower than shown; the building could have 8 car bays; or 4 car bays with a shop and/or passage at side, etc. The scale of the drawings is sufficient for clarity, ranging up to 1" per foot for "A" and 1/2" per foot for "B" and 1/4" per foot for "C" and 1/8" per foot for "D". The scale of the drawings is sufficient for clarity, ranging up to 1" per foot for "A" and 1/2" per foot for "B" and 1/4" per foot for "C" and 1/8" per foot for "D". The scale of the drawings is sufficient for clarity, ranging up to 1" per foot for "A" and 1/2" per foot for "B" and 1/4" per foot for "C" and 1/8" per foot for "D".

1. Local codes, applicable regulations, and requirements peculiar to the area of construction should be reviewed and complied with in construction.
2. The foundation walls are shown as 8" thick poured concrete; alternatively, 7.5/8" concrete blocks can be utilized.
3. The basic foundation and framing arrangement is shown on Sheet 4 as a 20' x 20' building; the method of increasing the depth is also shown. Constant reference to this drawing is required for all arrangements. For a building with a front dimension for greater than any shown, the side of the building opposite to that shown on Sheet 1 need not have the door and/or window arrangement shown; a shop at side could be merged or made narrower than shown; the building could have 8 car bays; or 4 car bays with a shop and/or passage at side, etc. The scale of the drawings is sufficient for clarity, ranging up to 1" per foot for "A" and 1/2" per foot for "B" and 1/4" per foot for "C" and 1/8" per foot for "D".
4. The span between supports for the second floor joists (15'-0" x 12' minus 7", or 14'-3 1/4") is constant for all arrangements. Girder supports (comprised of two 2 x 12's) are in turn supported by exterior wall studs, steel posts for say 3 x 5 adzed wood posts, or 4 x 4 posts in portion walls, the posts no greater than 10' apart, edge to edge, the posts requiring masonry supports with footings, the location of which should be established before foundation work commences. Any joints in the 2 x 12 girder members must be staggered, and the joints placed over supports.
5. The second floor joists (2 x 8) must extend, or be extended, to the front and rear rafters (except as noted in 12, below). On the drawings the joists are shown as 16' long, with a front overhang of 11 1/4". (Note: in the plane of the rafters except at sides, with 2 x 6 (for nailing efficiency) tie members lapped to and extending from each joist end to the rafters. If where pocketbook permits, the joists can be one piece from front to rear rafters (length required is the same as building depth), obviating the ties, with the joists placed on either side of the rafters.
6. The drawings show 1/2" plywood sheathing on the building exterior. The sheathing on the front wall is specially applied, as shown on Sheets 4 and 7, to insure lateral stiffness for that wall which has large openings.
7. Exterior wall covering is shown as 1 x 10 ship-lap cedar boards. If combined sheathing and exterior surface material is used, such as Texture One Eleven plywood, or equal, see Detail "A" on Sheet 4; liners must be placed behind the fascia members below the lap line, and the second floor window joints may require width adjustment. Use white pine for window and door trim, and fascia members, of which are shown on Sheets 5 and 6.
8. Roof covering can be asphalt, plastic, or wood shingles. If wood shingles are used, 1 x 4 boards spaced at the shingle exposure, fastened with galvanized nails, can be used in lieu of the 1/2" plywood roof sheathing shown on the drawings.
9. Three types of vehicle doors are shown on Sheet 7. (Note: for cold climates: the sliding (bypassing) type is difficult to make weathertight.) The sliding door opening is described by drawing the point of a pencil (as at point "C") along an 8'-6" length of wire or cord affixed to points "A" and "B" shown on the drawing.
10. A disappearing, stair unit, or a fixed ladder (see Sheet 5), the choice and location determined by the limits of arrangement, can be used (for access to the second floor). Possible locations of each type are shown. Safety rails must be installed at the ladder opening, and hand rails at the side of the ladder. Alternatively, outside stairs with 8" step rise and 9" tread, at the building side, with a door at the second floor level, can be installed. Cropped joists must be headed to adjacent joists.
11. The cupola can be built on the ground in two parts, the separation being at the lower end of the upper trunk. The base of the cupola can be cluding the upper 2 x 3, can be fastened to the roof ridge, and then the lower edge of the pine side members of the upper trunk can be lowered around the 2 x 3 and secured fast. If the framing around the cupola is thicker than the pine side members, the periphery of the lowered around the 2 x 3 and secured fast. If the framing around the cupola is thicker than the pine side members, the periphery of the lowered around the 2 x 3 and secured fast. If the framing around the cupola is thicker than the pine side members, the periphery of the lowered around the 2 x 3 and secured fast.
12. Skylights on the roof are suggested (with no consideration whatever for a shed dormer). Suggested size is 30" x 48" (makers' dimensions vary). Locate to suit; the lower unit shown assumes the space to the rear of the rear girder is open from slab to roof, with the ties exposed, and no tie under the center of the skylight. On a 20' depth building avoid placing the unit in the center to avoid the cupola. Typical roof and tie framing is shown on Sheet 6; flashing must be installed around the periphery under the shingles.
13. Depending upon the location of the building, and/or the use of spacers within it, fire resistive inside wall and ceiling gypsum wallboard covering may be required in at least the garage space (check local fire regulations). If installed, 1/2" thick solid blocking fire stops must exist or be fitted in wall and roof closed framing spaces at floor and ceiling levels.
14. Wood structural material assumed in the design is No. 2 grade, or better, of Douglas Fir-Larch (North), or No. 2 Southern Pine, or wood of comparable strength and weight characteristics. Reference: National Forest Products Association, 1619 Massachusetts Avenue, N.W., Washington, D.C. 20036.
15. A name board, 1" by 7" by suitable length, hung over the door(s), adds a nice finishing touch to the "Carriage Shed".

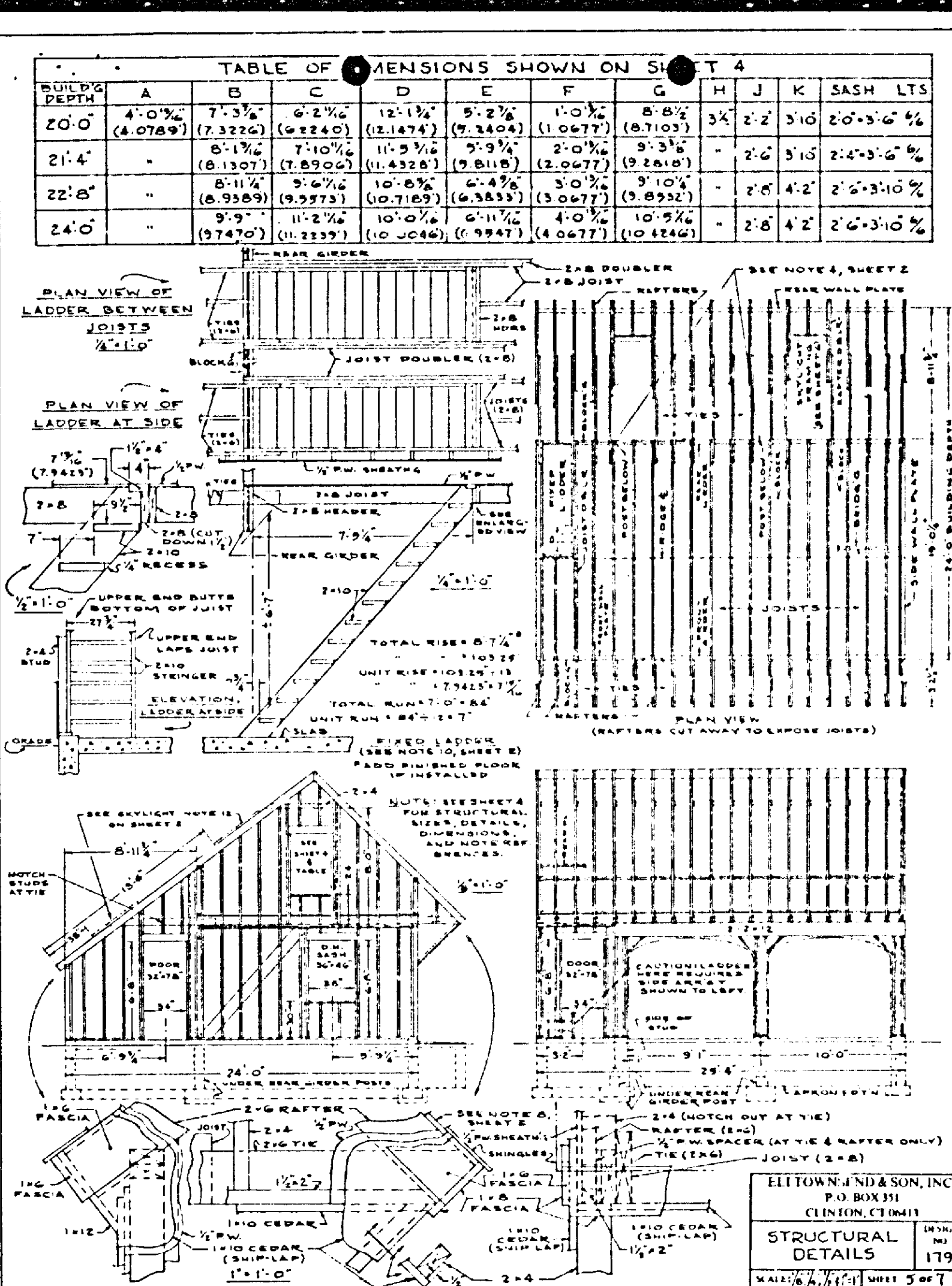
ELI TOWNSEND & SON, INC.
P.O. BOX 311
CLINTON, CT 06031
NOTES
SHEET 2 OF 7



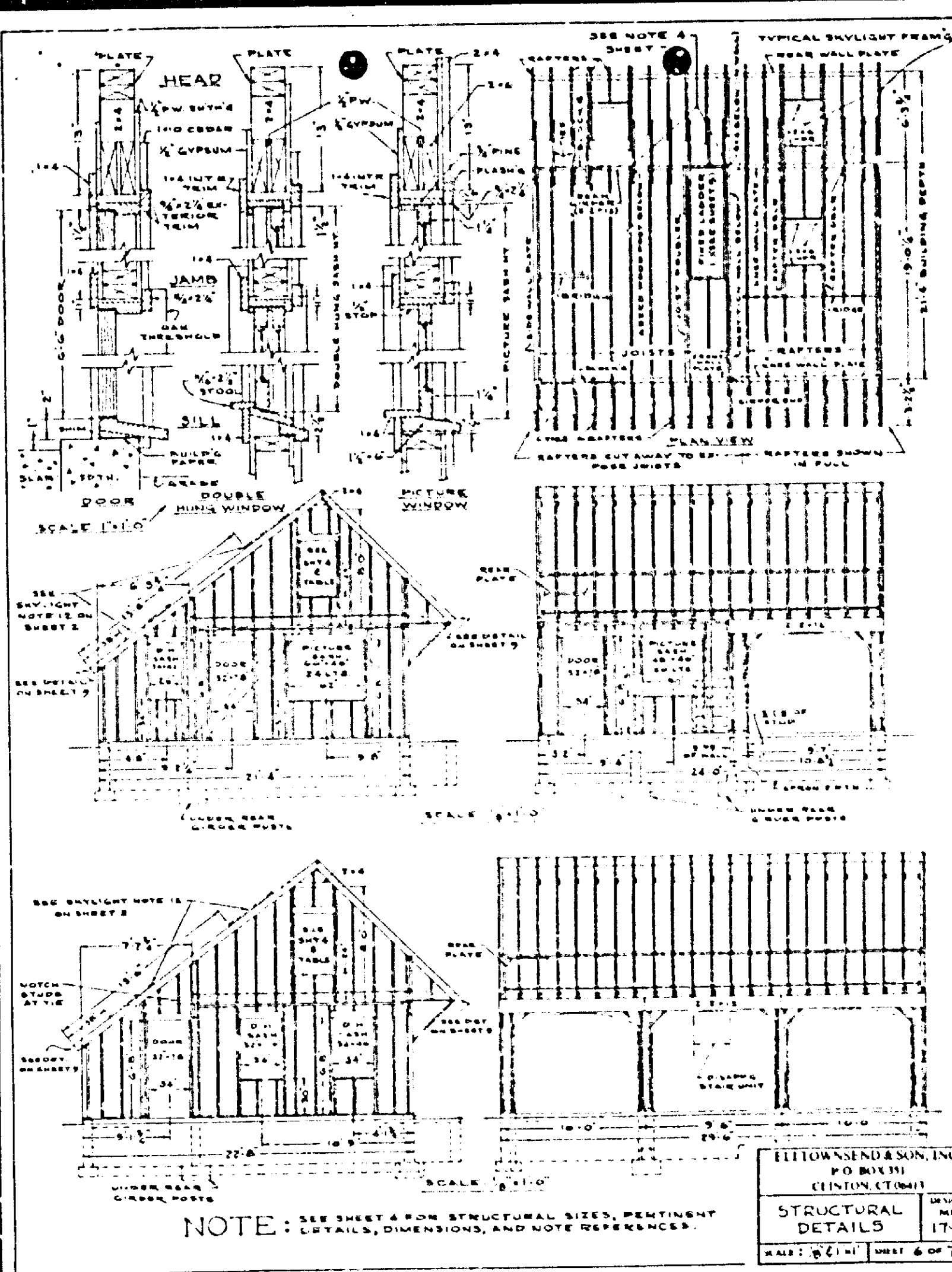
ELI TOWNSEND & SON, INC.
P.O. BOX 311
CLINTON, CT 06031
SIDE AND FRONT
ARRANGEMENTS
SHEET 3 OF 7



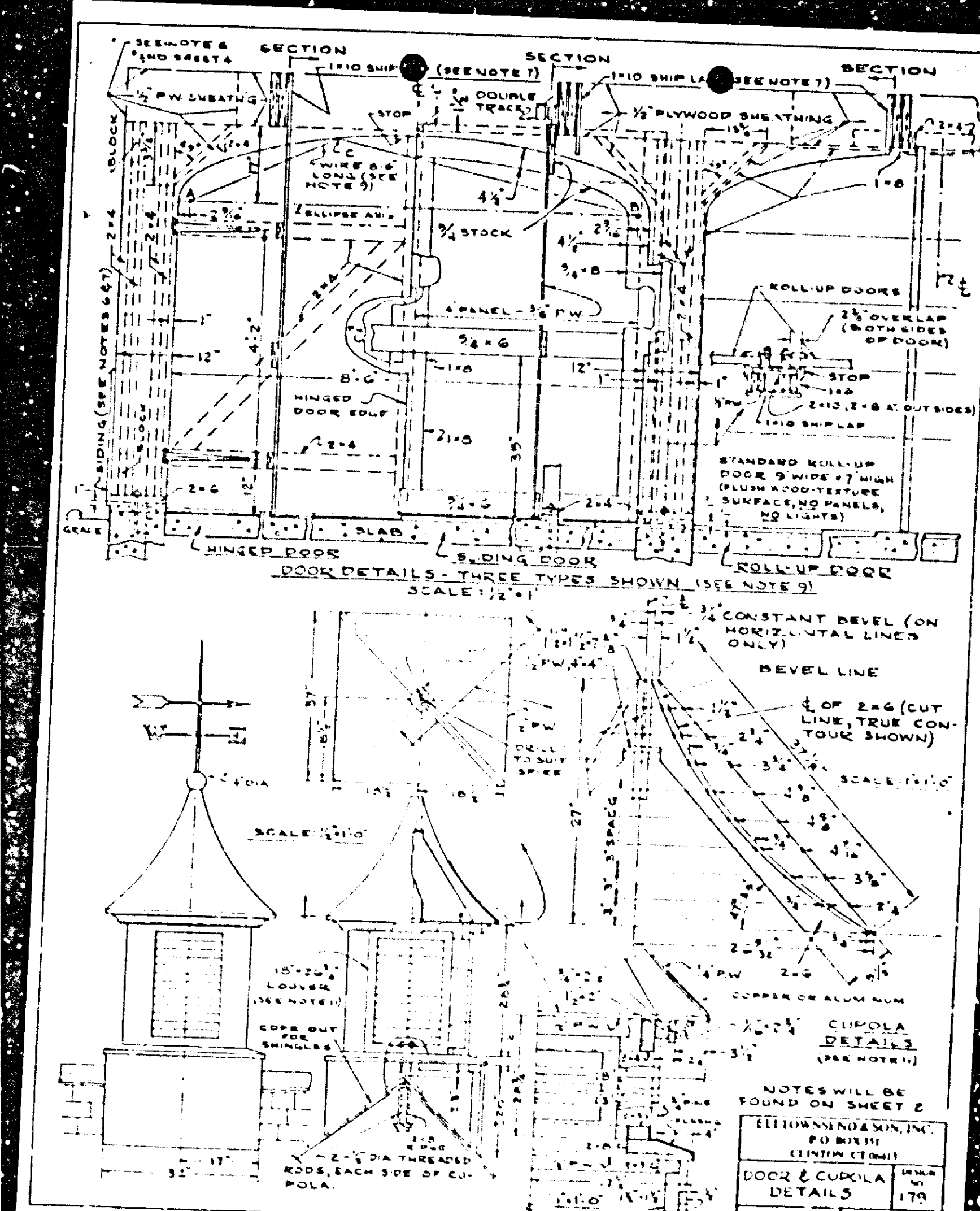
ELI TOWNSEND & SON, INC.
P.O. BOX 311
CLINTON, CT 06031
STRUCTURAL
DETAILS
SHEET 4 OF 7



ELI TOWNSEND & SON, INC.
P.O. BOX 311
CLINTON, CT 06031
STRUCTURAL
DETAILS
SHEET 5 OF 7



ELI TOWNSEND & SON, INC.
P.O. BOX 311
CLINTON, CT 06031
STRUCTURAL
DETAILS
SHEET 6 OF 7



ELI TOWNSEND & SON, INC.
P.O. BOX 311
CLINTON, CT 06031
STRUCTURAL
DETAILS
SHEET 7 OF 7